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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,348	07/11/2003	Ntiedo M. Etuk	15703-003001	6691

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EXAMINER	
CHENG, JOE H	
ART UNIT	**PAPER NUMBER**
3715	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/618,348	ETUK ET AL.	
	Examiner	Art Unit	
	Joe H. Cheng	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,11-16,18-21 and 23-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,11-16,18-21 and 23-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2006 has been entered. In addition, in response to the Amendment filed on August 14, 2006, claims 4, 10, 17 and 22 have been cancelled and the claims 1-3, 5-9, 11-16, 18-21 and 23-26 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-9, 11-16, 18-21 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lotvin et al (U.S. Pat. No. 6,178,407 B1) for the reasons set forth in the prior Office action and incorporated herein.

Conclusion

Response to Amendment

4. Applicant's arguments filed on August 14, 2006 have been fully considered but they are not deemed to be persuasive. Applicant's argument directed to the teaching of *Lotvin et al* does

not teach "the second party is a major financial services company that receives, from third parties, information associating the identification of a user with the items that the user purchases". However, it is noted that *Lotvin et al* teaches the child to make a purchase by redeeming points through the purchase subsystem (see column 10, lines 19-36 and Fig. 6) where the purchase subsystem receives the child's selection and initiates and logs the order; and the available products together with their prices in points are organized as lists of items, or can be provided as a virtual shopping mall as known in the art or the purchasing choice can also be presented using an on-line virtual shopping mall (see column 13, lines 51-53). A separate log file associated with each child with the child's participation and performance, including the total number of points accumulated by the child, the child purchase history, and the history of educational presentations participated in by the child (see column 15, lines 16-47). Figs. 12A and 12B of *Lotvin et al* teaches the child entity set (20) have one-to-many relationship to the purchase entity set (22), the credit entity set (24) has a one-to-many relationship to the purchase entity set (22), and the product entity set (27) has a one-to-many relationship to the purchase entity set (22) and a many-to many relationship to the vendor entity set (25) (see from column 16, line 8 to column 17, line 49), and Fig. 14 of *Lotvin et al* also teaches the vendor's computer (920) or the third party content provider's computer (921), and the credit card companies are connecting to the communicating network (see column 18, lines 62-67). *Lotvin et al* further teaches the use of the information is based on appropriate economic, marketing, technological, legal, security, reliability, and/or performance factors to a particular application (see column 18, lines 39-45). It is the examiner's position that the system of *Lotvin et al* clearly teaches the second party (i.e. the major financial service company) receives information associating the

identification of the user (i.e. the child) with the items that the user purchases. It is also inherently known that any major financial services company (such as credit card company) has the user's personal data (i.e. the information associating the user's identification) and the purchase history (i.e. the purchase record and printed on the monthly statement) receives from the third parties (i.e. merchants or other business that sell items to the public) in it's database. In addition, applicant's argument directed to "the parent finances the child's purchase" is deemed to be moot. It is noted that the teaching of *Lotvin et al* clearly discloses the child can choose to make a purchase by redeeming points through the purchase subsystem (Column 10, lines 19-21) as claimed, and applicant is reading the irreverent information in the argument. Further, applicant's arguments directed to "analyzing" and "***selling***" the information associated the identity of a user with the user's purchase to target advertising to a user based on his or her purchasing preferences by specifying that claims 8, 9, 16 and 21 are used to provide the support, and to rebut the Examiner's indication of applicant is reading the limitation into the claim which is just not there in the prior Office action. After carefully consideration the limitations of "receiving information regarding the user's purchasing desire and adding the information regarding the user's purchasing desires to the purchase history file to create a preference file" (as per claim 8), "the information associating the user with the items the user's purchases is used to provided targeted advertising to the user" (as per claim 9), "user purchasing desires may be accessed by the second party" (as per claim 16), and "the first party adapted to receive information regarding the user's purchasing desires and add the information regarding the user's purchasing desires to the purchase history file to create a preference file" (as per claim 21) as specified by the applicant, the argument is deemed to be moot. These claims are merely

discloses to combine the current purchasing information to the purchasing history file and use this purchasing list to target advertising to the user, which cannot provide any support as analyzing and selling the information to determine the purchasing preference as argued. It is noted that the specification is not the measure of the invention. Therefore, limitations contained therein cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Hence, applicant's argument is not deemed to be persuasive and the rejections under 35 U.S.C. §102(b) is proper and stand. Hence, applicant's argument is not deemed to be persuasive and the rejection under 35 U.S.C. §102(b) is proper and stand.

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng
Primary Examiner
Art Unit 3715

Joe H. Cheng
September 5, 2006